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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,777	02/18/2004	Yi-Fang Chou	0941-0916P	1635
2292	7590	08/09/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			NGUYEN, TRAN N	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			2834	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/779,777	CHOU ET AL.
	Examiner	Art Unit
	Tran N. Nguyen	2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
  - 4a) Of the above claim(s) 9-19 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 and 8 is/are rejected.
- 7) Claim(s) 7 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

### **Restriction/Election**

Restriction to one of the following inventions is required under 35 U.S.C. 121:

(I) **Claims 1-8** are drawn to a permanent magnet rotor structure classified in **class 310**, subclass 156.08.

(II) **Claims 9-19** are drawn method of making a permanent magnet rotor, classified in **class 29**, subclass 596.

*The applicant elects group 1, claims 8 with traverse.*

In response to the applicant argument about the restriction requirement, these two groups of claims are independent from one another in term of the process of making and the structure of the device. The fields of search for a method of making a device and for a structure of the device, i.e., the product, are not coextensive, and determinations of patentability for claims of a method of making a device and claims of the device's structure are different.

In the determinations of patentability for claims of a method of making a device, the fabrication process includes its sequential order of fabricating steps and/or tools used in these steps of forming the device are considered significant.

On the contrary, in the determinations of patentability for claims of the device's structure the limitations of device's elements and their structural relationships as well as their functional/operational relationships are considered significant. In other words, in the device claimed invention, or in a product-by-process feature of a device, the method of forming the device is not germane to the issue of patentability of the device itself. (*In re Thorpe*, 227 USPQ 964, 966.)

Therefore, The fields of search for a method of making a device and for a structure of the device, i.e., the product, are not coextensive and the consideration for patentabilities are different and independent. This is the reason why there are two different and separate classifications for the method of forming the lamination core and the lamination core structure.

Thus, the restriction, which is set forth in the previous Office Action, is deemed to be proper and hereby made FINAL.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-2, 5-6 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art fig 1(hereafter **AAPA fig 1**) in view of **Ueda** (US PgPub 2001/0048259).

AAPA fig 1 discloses a motor rotor adapted to be used in a fan, comprising:

a hub (11); a metal plate (12) having a ring shape to be disposed in the hub; and wherein the hub is ring-shaped and has a flange extending toward the center of the hub to support the metal plate; and at least one blade (112) is disposed at the exterior periphery of the hub; a magnet (13) disposed in the metal plate (12).

AAPA fig 1 substantially discloses the claimed invention, except for the limitations of the metal plate having first and second ends wherein first and second ends are engaged together to form an occlusive seam to shape the metal plate as a ring.

Ueda, however, discloses a metal ring (7) having two ends (8, 9) with interlocking features (8a-b, 9a-b) (figs 3-4) for providing the metal ring, as the magnet's yoke ring tightly abutted to the housing without requiring precise manufacturing control of relative dimensions of the housing or the metal plate and which also minimizes an increase in a total weight of the dynamo-electric machine.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the motor by configuring the metal plate with two ends that are engaged together to form an occlusive seam to shape the metal plate as a ring, as taught by Ueda. Doing so would

enable the metal plate tightly fit within the hub while firmly attach the magnet thereto without requirement of precise manufacturing dimensions.

**2. Claims 3-4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA fig 1 and Ueda, as applied in the rejection against the base claim, and further in view of Itaya (US 5500994).**

The combination of AAPA fig 1 and Ueda refs discloses the claimed invention, except for the added limitations of claims 3-4.

**Itaya**, however, teaches a rotor structure wherein the magnet support (31) is configured with the corrugations (36) are formed. Thus, a surface area of the outer circumferential surface is increased and both the components 31 and 32 are firmly coupled in one and in addition thereto, the corrugations (36) serve as resistance to thereby avoid a fear that both the magnet would be displaced during the motor rotation. The AAPA fig 1 with the metal plate ring being located within the hub having a flange, and with the metal plate having serrated edge, modified based on the Itaya's teaching, those skilled in the art would realize that the metal plate's serrated edge would obviously contacts an inner surface of the flange.

Also, by the same reason of forming the corrugations (36), as taught by Itaya, it would have been obvious to configure the ring's outer circumference surface that contact the hub with corrugations or serrated pattern in order to generate fictional abutment therebetween the metal plate and the inner surface of the hub for firmly abutment of the ring against the hub.

Thus, as taught by Itaya, it would have been obvious to one skilled in the art at the time the invention was made to modify the motor by configuring the metal plate with serrated edges to firmly abutting the magnet and serrated pattern as fictional surface to the hub. Doing so would enhance the firmly abutment support of the metal plate for the magnet, and the hub to the metal plate.

***Allowable Subject Matter***

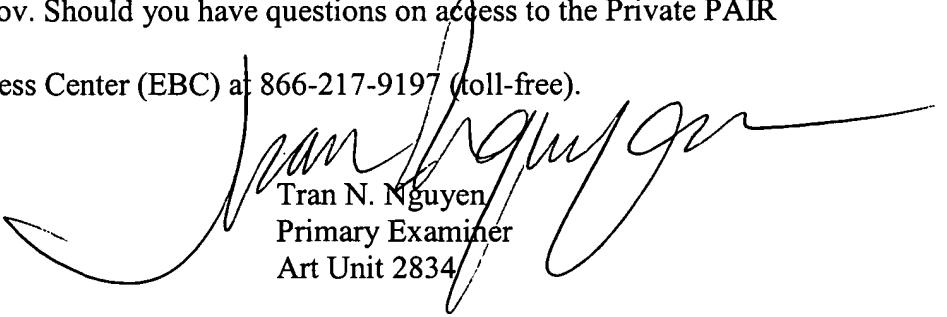
Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N. Nguyen whose telephone number is (571) 272-2030. The examiner can normally be reached on M-F 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571)-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Tran N. Nguyen  
Primary Examiner  
Art Unit 2834